

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE:	
PETER AKWASI KUFOUR	Chapter 7
Debtor	Case No. 18-13328-BFK
HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR DEUTSCHE ALT-A SECURITIES, INC. MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-1	
Movant	
v.	
PETER AKWASI KUFOUR 106 BRIARWOOD COURT STERLING, VA 20164 (Debtor)	
H. JASON GOLD NELSON MULLINS RILEY & SCARBOROUGH LLP 101 CONSTITUTION AVENUE, N.W. SUITE 900 WASHINGTON, DC 20001 (Trustee)	
Respondents	

MOTION FOR RELIEF FROM AUTOMATIC STAY

HSBC Bank USA, National Association as Trustee for Deutsche Alt-A Securities, Inc. Mortgage Pass-Through Certificates, Series 2007-1 ("Movant") by undersigned counsel, respectfully moves this Honorable Court to terminate the Automatic Stay as to the real property

Kathryn Smits, Esq., Bar # 77337
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located at 106 Briarwood Court, Sterling, VA 20164 (“Property”), and, as grounds therefore, states as follows:

1. This proceeding seeking relief under 11 U.S.C. § 362(d) is a contested matter within the meaning of Fed. R. Bankr. P. 4001 and 9014, and this court has jurisdiction over this matter pursuant to 28 U.S.C. § 157. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G) and (b)(2)(O). Venue is proper pursuant to 28 U.S.C. § 1409(a).

2. On October 3, 2018, the above named Debtor, Peter Akwasi Kufour (“Debtor”), filed in this court a Petition under Chapter 7 of the United States Bankruptcy Code. H. Jason Gold was appointed Chapter 7 Trustee.

3. On or about April 18, 2007, Peter A. Kufour executed and delivered to H&R Block Mortgage Corporation a Note in the amount of FOUR HUNDRED THIRTY-TWO THOUSAND DOLLARS AND NO CENTS (\$432,000.00), plus interest at the adjustable rate of 6.500% per annum to be paid over thirty (30) years. A copy of the Note is attached as **Exhibit A** and incorporated herein.

4. To secure the repayment of the sums due under the Note, Peter A. Kufour executed and delivered to H&R Block Mortgage Corporation a Deed of Trust dated April 18, 2007, encumbering the real property (“Property”) described as:

LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS ALL THAT CERTAIN PROPERTY SITUATED IN CITY OF STERLING IN THE COUNTY OF LOUDOUN, AND STATE OF VA AND BEING DESCRIBED IN A DEED DATED 06/29/1998 AND RECORDED 07/24/1998 IN BOOK 1593 PAGE 2194 AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, AND REFERENCED AS FOLLOWS:

LOT 65, SECTION 8A, FOREST RIDGE, AS THE SAME APPEARS DULY DEDICATED, PLATTED AND RECORDED IN DEED BOOK 0853 AT PAGE 0291 AMONG THE LAND RECORDS OF LOUDOUN COUNTY, VIRGINIA

which has the address of 106 Briarwood Court, Sterling, VA 20164. A copy of the Deed of Trust is attached as **Exhibit B** and incorporated herein.

5. The Note and Deed of Trust were later transferred to Movant and Movant is the current holder of the Note and Deed of Trust. A copy of the Assignment is attached as **Exhibit C** and incorporated herein.

6. As of October 5, 2018, the Debtor owes an unpaid principal balance of \$449,620.55 under the Note, plus additional accruing interest, late charges, attorneys' fees and costs.

7. As of October 5, 2018, the Debtor is contractually due for January 1, 2010, which includes the following missed payments:

Number of Missed Payments	From	To	Payment Amount	Total Due
22	January 1, 2010	October 1, 2011	\$2,818.36	\$62,003.92
83	November 1, 2011	September 1, 2018	\$3,544.06	\$294,156.98
1	October 1, 2018	October 1, 2018	\$3,676.26	\$3,676.26
Suspense:				(\$0.00)
Total Payments Past Due:				\$359,837.16

8. The value of the property is \$425,000.00, according to the Broker's Price Opinion. A Copy of the BPO is attached as **Exhibit D** and incorporated herein.

9. The Debtor is in default under the Note.

10. The Debtor has not and cannot offer HSBC Bank USA, National Association as Trustee for Deutsche Alt-A Securities, Inc. Mortgage Pass-Through Certificates, Series 2007-1 adequate protection of its interest in the Property, and HSBC Bank USA, National Association as Trustee for Deutsche Alt-A Securities, Inc. Mortgage Pass-Through Certificates, Series 2007-1 avers it is not adequately protected.

11. As there is little to no equity in the Property, the Property is not necessary for an effective reorganization. Therefore, relief from stay is appropriate under § 362(d)(2) of the Bankruptcy Code to permit Movant to exercise its non-bankruptcy rights and remedies with respect to the Mortgage.

12. That the Debtor's account delinquency and lack of equity in the Property constitute cause for relief from the automatic stay.

WHEREFORE, HSBC Bank USA, National Association as Trustee for Deutsche Alt-A Securities, Inc. Mortgage Pass-Through Certificates, Series 2007-1 prays that this Court issue an order terminating or modifying the Automatic Stay under 11 U.S.C. § 362, as to the property located at 106 Briarwood Court, Sterling, VA 20164, and granting the following:

a. Relief from the Automatic Stay allowing Movant to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property and/or allowing Movant, through its agents, servicers and representatives to contact Debtor and/or Debtor's counsel for the purpose of engaging in discussions and consideration for possible loss mitigation options, solutions and/or resolutions with regard to the underlying mortgage and note, including, but not limited to loan modification, deed in lieu or other loss mitigation alternatives.

b. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

c. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

d. For such other relief as the Court deems proper.

Date: 10/30/2018

Respectfully submitted,

/s/ Heather D. McGivern

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CERTIFICATE OF SERVICE

The undersigned states that on October 30, 2018, copies of the foregoing Motion for Relief from Automatic Stay were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

H. Jason Gold
Nelson Mullins Riley & Scarborough LLP
101 Constitution Avenue, N.W., Suite 900
Washington, DC 20001
jason.gold@nelsonmullins.com
Bankruptcy Trustee

and I hereby certify that I have caused to be mailed by first class mail, postage prepaid, copies of the foregoing Motion for Relief from Automatic Stay to the following non-ECF participants:

Peter Akwasi Kufour
106 Briarwood Court
Sterling, VA 20164
Debtor

/s/ Heather D. McGivern
Kathryn Smits, Esquire
Namrata Loomba, Esquire
Heather D. McGivern, Esquire